

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

JUN 20 1995

Ex parte THOMAS F. DEUEL,
YEU-SHENG LI, NED R. SIEGEL
and
PETER G. MILNER

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Appeal No. 92-3627
Application 07/542,232¹

ON BRIEF

Before WINTERS, WILLIAM F. SMITH and ELLIS, Administrative Patent Judges.

WILLIAM F. SMITH, Administrative Patent Judge.

REMAND

This case is before the board following the decision of the Court of Appeals for the Federal Circuit, In re Deuel, ____ F.3d ____, 34 USPQ2d 1210 (Fed. Cir. 1995), reversing the decision of the board. We direct the examiner's attention to the comment made by the court in Deuel, at ____ F.3d ____, 34 USPQ2d

¹ Application for patent filed June 21, 1990. According to applicants, the application is a continuation-in-part of Serial No. 07/462,156, filed January 8, 1990, abandoned.

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1216, regarding whether claims 4 and 6 are adequately supported by the disclosure of the application, i.e., do claims 4 and 6 satisfy the enablement requirement of 35 U.S.C. § 112, first paragraph. Accordingly, we remand this application to the examiner so that the examiner can determine in the first instance whether claims 4 and 6 satisfy the enablement requirement of the statute.

REMANDED

Sherman D. Winters
SHERMAN D. WINTERS

Administrative Patent Judge

William F. Smith
WILLIAM F. SMITH

Administrative Patent Judge

Joan Ellis
JOAN ELLIS

Administrative Patent Judge

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